

**Date:** September 13, 2002

BQA Memo 02-016

<b>To:</b>	Certified Mental Health and AODA Programs	CMHA - 02
	Community Based Residential Facilities	CBRF - 06
	Facilities for the Developmentally Disabled	FDD - 05
	Home Health Agencies	HHA - 07
	Hospices	HSPC - 03
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	Nurse Aide Training Programs	NATP - 04
	Nursing Homes	NH - 06
	Residential Care Apartment Complexes	RCAC - 03

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Caregiver Regulation and Investigation Section

**cc:** Susan Schroeder, Director  
Bureau of Quality Assurance

### **Four-Year Anniversary of the Wisconsin Caregiver Law**

This memo contains important information on the following topics:

- Caregiver Background Checks Hit Four-Year Mark
- Changes in the Response to Caregiver Background Check Letter
- Caregiver Program Website

#### **Caregiver Background Checks Hit Four-Year Mark**

Since October 1, 1998, entities have been required to complete caregiver background checks on all caregivers. **The Caregiver Law requires that after the initial background check at the time of employment or contracting, entities must conduct new caregiver background checks at least every four years.** This October marks the four-year anniversary of the implementation of the Caregiver Law. Entities are reminded they must complete caregiver background checks on their existing employees every four years from the previous check.

**Example:** Patricia has worked as an AODA Counselor since July 1998. A caregiver background check was completed in November 1998. The counseling service must complete a new caregiver background check on Patricia in November 2002.

**Example:** Sam has been a personal care worker at a CBRF since March 2002. A caregiver background check was completed when he was hired. A new caregiver background check must be completed in March 2006.

A complete caregiver background check consists of the following documents:

1. A completed HFS-64 *Background Information Disclosure* (BID) form;
2. A response from the Department of Justice (DOJ) *Wisconsin Criminal History Record Request*, either
  - A “no record found” response or
  - A criminal record transcript (Wisconsin Identification Data); and
3. A “Response to Caregiver Background Check” letter from the Department of Health and Family Services (DHFS) that reports the person’s administrative finding or licensing restriction status.

Other documentation must be obtained by the entity when information is needed to complete the background check, such as: other state's conviction records, military discharge papers, and arrest and conviction disposition information from local clerks of courts or tribal courts. Please refer to Chapter 2 of The Wisconsin Caregiver Program Manual at [www.dhfs.state.wi.us/caregiver/publications/CgvrProgMan.htm](http://www.dhfs.state.wi.us/caregiver/publications/CgvrProgMan.htm) for more information.

### **Changes in the Response to Caregiver Background Check Letter**

Effective September 11, 2002, the DHFS Response to Caregiver Background Check letter, also referred to as the IBIS letter, will provide the following information:

- a) Noncredentialed Caregiver Findings of Abuse or Neglect of a Client or Misappropriation of a Client's Property (both in Wisconsin or another state, if known)
- b) Denials or Revocations of Operating Licenses for Adult Programs
- c) Denials or Revocations of Operating Licenses for Child Programs
- d) Rehabilitation Review Findings
- e) Status of Professional Credentials, Licenses or Certifications maintained by the Department of Regulation and Licensing

Entities must examine this information for findings of misconduct by a governmental agency and make employment decisions based on the results. Entities can ignore information on anyone other than the person for whom they requested a background check. Questions regarding any of the information on the IBIS letter should be directed to the appropriate phone number listed on the letter.

Since the IBIS letter was not designed to indicate a nurse aide's employment eligibility, the Interactive Voice Response (IVR) is the fastest, most efficient way to verify a nurse aide's status. Employers **must** call the IVR to verify a nurse aide's current employment eligibility prior to hiring a person. Information regarding a nurse aide's status on the Directory may be accessed toll free, 24 hours per day, by calling from a touch tone phone at (877) 573-1081 and providing the aide's Social Security Number. The Department is in the process of contracting out these services. Information about a web-based Registry and a new IVR number will be published in the near future.

### **Caregiver Program Website**

Please access the Department's web site at [www.dhfs.state.wi.us/caregiver](http://www.dhfs.state.wi.us/caregiver) for more information, including The Wisconsin Caregiver Program Manual, forms, rules and regulations, and the Caregiver Misconduct Registry. You may also contact the Caregiver Intake Unit at (608) 261-7650 or [Caregiver\\_Intake@dhfs.state.wi.us](mailto:Caregiver_Intake@dhfs.state.wi.us) with questions.